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Ms. Marlene H. Dortch
Secretary, Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: *MOS Testing for High-Latency Bidders (WC Docket No. 10-90)*

Dear Ms. Dortch:

The Commission adopted an order specifying the parameters of performance measurement testing for broadband services subsidized by the Connect America Fund, including high-latency services.¹ Hughes Network Systems, LLC (“Hughes”) and Viasat, Inc. (“Viasat”) challenged the provisions related to the high-latency services.² ADTRAN has actively participated in this proceeding, and wants to take this opportunity to address some recent *ex parte* submissions by Hughes and Viasat.³

ADTRAN advocated the Commission’s specification of the “conversational-opinion” test under the International Telecommunication Union-T (“ITU-T”) Recommendation P.800 – a position that was adopted by the Commission in the *Performance Metrics Order*. In its recent submissions, Hughes has taken somewhat different positions with respect to that testing scheme. In the April 6th *ex parte* submission, Hughes advocated the performance testing using the conversational-opinion test, but demonstrating meeting a Mean Opinion Score (“MOS”) of 3.8,

¹ *Connect America Fund*, DA-18-710, 33 FCC Rcd 6509 (July 6, 2018) (“*Performance Metrics Order*”).

² Public Notice of the Petitions for Reconsideration of that decision were published in the Federal Register on October 23, 2018, 83 FR 53420.

³ Letter from Jennifer A. Manner to Marlene H. Dortch, WC Docket No. 10-90 (filed April 9, 2011); Letter from Jennifer A. Manner to Marlene H. Dortch, WC Docket No. 10-90 (filed April 29, 2011); and Letter from Matthew T. Murchison, counsel to Viasat, to Marlene H. Dortch, WC Docket No. 10-90 (filed April 11, 2019).

as opposed to the *Performance Metrics Order* specification of a MOS score of 4. In the more recent April 29th *ex parte* submission, Hughes now indicates (at p. 2):

With regard to the required MOS to be achieved in the testing, Hughes agrees that Viasat's proposal, to require achievement of a score of 4.0 at least 80 percent of the time, is a reasonable approach, and would not object to the adoption of that metric.

ADTRAN also supports such a performance measurement metric for the high-latency broadband services subsidized by the Connect America Fund.⁴ ADTRAN additionally has no objection to Hughes' proposed use of a testing framework that would provide the option of selecting "*either* (a) annually in laboratory-controlled tests, as Hughes has proposed, with more frequent network monitoring to ensure voice quality factors remain unchanged; *or* (b) in more frequent subjective tests using customers as subjects outside of a laboratory environment, as Viasat has proposed."⁵ ADTRAN recognizes that the Commission has provided the terrestrial service providers with some flexibility in conducting the performance measurement testing (including self-testing),⁶ so it is appropriate to grant satellite providers some flexibility, too. However, the Commission must be prepared to sanction severely any service provider that attempts to manipulate the testing results to provide an inaccurate picture of service quality.⁷

Sincerely,

/s/

Stephen L. Goodman
Counsel for ADTRAN, Inc.

cc: Donald Stockdale
Kris Monteith
Julius Knapp

⁴ In both the April 6th and April 29th *ex parte* submissions, Hughes also argued that the performance measurement specifications should only apply to future auctions. For the reasons detailed in ADTRAN's Comments on Petitions for Reconsideration, WC Docket No. 10-90, filed November 7, 2018 at pp 2-8, the Commission should reject this claim.

⁵ Hughes April 29th *ex parte* letter at p. 2.

⁶ *E.g.*, Performance Metrics Order at ¶¶ 9-11.

⁷ *Cf.*, the EPA imposition of substantial penalties on Volkswagen for using certain computer algorithms and calibrations that caused the emissions control system of those vehicles to perform differently during normal vehicle operation and use than during emissions testing, <https://www.epa.gov/enforcement/volkswagen-clean-air-act-civil-settlement>.